

HONORABLE ROBERT S. LASNIK

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

TOM JULIEN TOMASCZEWSKI,

Defendant.

NO. CR04-0524 RSL

ORDER CONTINUING TRIAL

**CLERK'S ACTION REQUIRED**

THE COURT having considered the entirety of the records and files herein,

FINDS AND RULES AS FOLLOWS:

1. This case is currently set for trial on July 11, 2005.
2. Defense counsel, Douglas Hiatt, has informed the Court that he is  
undergoing a family emergency, specifically that his mother, who was

*[PROPOSED]* ORDER CONTINUING  
TRIAL

DOUGLAS HIATT  
1800 SEATTLE TOWER  
1218 THIRD AVENUE  
SEATTLE, WASHINGTON 98101  
(206) 262-9699 • FAX: (206) 622-3848

terminally ill, has passed away. As a result, Mr. Hiatt is unable to prepare this case for trial, or finalize a settlement, at this time.

3. Defendant Tomaszewski is out of custody, residing in California. This distance has further hampered Mr. Hiatt's efforts to prepare or resolve this case by the current trial date, in light of his need to be in the hospital with his mother and to deal with her death.
4. As a result of his family emergency, counsel for Defendant Tomaszewski requests a trial continuance to August 8, 2005. The United States, by and through Assistant US Attorney Sarah Vogel, does not oppose this request.
5. On July 7, 2005, Defendant Tomaszewski filed a written speedy trial waiver, which waives time through September 29, 2005, with the court via ECF.

IT IS HEREBY ORDERED that the trial date shall be continued from July 11, 2005 to August 8, 2005.

IT IS HEREBY ORDERED that the period of time between July 11, 2005, until the new trial date shall be excluded from computation under 18 U.S.C. §§ 3161(h)(8)(A), and 3161(h)(8)(B)(i) and (iv), because of defense counsel's family emergency, his need for more time for effective trial preparation or resolution, and to preserve continuity of counsel, taking into account the exercise of due diligence, because it is unreasonable under these circumstances to expect adequate preparation for trial.

THE COURT FURTHER FINDS that the ends of justice served by this continuance outweigh the best interest of the public and Defendant in a speedy trial.

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DONE IN OPEN COURT this 11<sup>th</sup> day of July, 2005.



Robert S. Lasnik  
United States District Judge

Presented by:

Defendant Tom Tomaszewski,

Represented by:

DOUGLAS HIATT, Attorney at Law

s/ Douglas Hiatt

WSBA #21017

1218 Third Avenue, Suite 1800

Seattle, Washington 98101

Phone 206-262-9699

Fax 206-622-3848

douglas@surlaw.com

Approved for entry:

Plaintiff, United States, represented by:

UNITED STATES ATTORNEY'S OFFICE

s/Sarah Vogel, per telephonic authorization

WSBA#35966

700 Stewart Street, Suite 5220

Seattle, Washington 98101

Phone 206-553-1206

Fax 206-553-0755

sarah.vogel@usdoj.gov

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DOUGLAS HIATT

1800 SEATTLE TOWER

1218 THIRD AVENUE

SEATTLE, WASHINGTON 98101

(206) 262-9699 • FAX: (206) 622-3848